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CENTRAL FAX CENTER

JUL 14 2005

**Date:** July 14, 2005

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**Re:** Serial No: 09/700,429

**Pages:** Cover + 2

Terminal disclaimer

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION OVER A PRIOR PATENT**Docket Number  
Kapilow 1999-  
0096D**RECEIVED  
CENTRAL FAX CENTER****JUL 14 2005**

In re Application of: David A. Kapilow

Application No: 09/700,429

Filing Date: 4/19/2000

Title: Method and Apparatus for Performing Packet Loss or Frame Erasure  
Concealment

The owner, AT&T, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, should a U.S. patent issue on Application No. 09/700,524, filed April 19, 2000. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

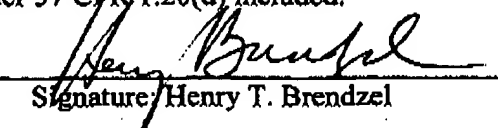
In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record.
3. ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.


  
Signature: Henry T. Brendzel7/14/05  
Date

\*Certification under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.


Henry Brendzel

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Complete if Known	
		Application Number	09/700,429
		Filing Date	4/19/2000
		First Named Inventor	David A. Kaplow
		Examiner Name	V. Paul Harper
		Group/Art Unit	2654
Total number of pages in this Submission: this page, plus		1	Attorney Docket ID
			Kaplow 1999-0096D

ENCLOSURES (check all that apply)		
If Fee Form is not included, but a fee is due, the Commissioner is Authorized to charge Deposit Account No 500732 of Henry T. Brendzel, and consider that appropriate requests have been made.  <input type="checkbox"/> Fee Form ( <input type="checkbox"/> Check included)  <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavit(s)/Declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.2 or 1.53	<input type="checkbox"/> Declaration (no Missing Parts Notice)  <input type="checkbox"/> Assignment Papers (for an Application)  <input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition Routing Slip (TO/SB/69) and Accompanying Petition  <input type="checkbox"/> To Convert a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation or Change of Correspondence Address  <input type="checkbox"/> Express Abandonment  <input checked="" type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> To Convert to Statutory Invention Registration	<input type="checkbox"/> Postcard(s)  <input type="checkbox"/> Small Entity Statement  <input type="checkbox"/> Request for a Refund  <input type="checkbox"/> After Allowance Communication to group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communications to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input type="checkbox"/> Other

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual Name	Henry T. Brendzel	
Signature		Date 7/14/05

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I hereby certify that this correspondence is being deposited with the United States Postal Service as service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA22313-1450 on this date: <span style="border: 1px solid black; display: inline-block; width: 150px; height: 1.2em; vertical-align: middle;"></span>		
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